

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DUSTIN BARNETT,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No. 3:14-cv-000155-MMD-WGC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Petitioner has paid the filing fee for this action. (Dkt. no. 5.) Petitioner's motion to proceed *in forma pauperis* (dkt. no. 4) is denied as moot. The petition shall now be filed and served on respondents.

It is therefore ordered that petitioner's motion to proceed *in forma pauperis* (dkt. no. 4) is denied as moot.

It is further ordered that the Clerk of Court shall file and electronically serve the petition (dkt. no. 1-1) upon the respondents.

It is further ordered that respondents shall have forty-five (45) days from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other response, respondents shall address all claims presented in the petition. Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive motions to dismiss will not be entertained. If an answer is filed, respondents shall comply with the


1 requirements of Rule 5 of the Rules Governing Proceedings in the United States District
2 Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have forty-five (45)
3 days from the date of service of the answer to file a reply.

4 It is further ordered that any state court record exhibits filed by respondents shall
5 be filed with a separate index of exhibits identifying the exhibits by number or letter. The
6 hard copy of all state court record exhibits shall be forwarded, for this case, to the staff
7 attorneys in the Reno Division of the Clerk of Court.

8 It is further ordered that, henceforth, petitioner shall serve upon the Attorney
9 General of the State of Nevada a copy of every pleading, motion, or other document he
10 submits for consideration by the Court. Petitioner shall include with the original paper
11 submitted for filing a certificate stating the date that a true and correct copy of the
12 document was mailed to the Attorney General. The Court may disregard any paper that
13 does not include a certificate of service. After respondents appear in this action,
14 petitioner shall make such service upon the particular Deputy Attorney General
15 assigned to the case.

16 DATED THIS 25th day of July 2014.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE